

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

BERNIE SPRAGUE,

Plaintiff,

Case No. 09-13066

v.

Hon. John Corbett O'Meara

VICKY SCHULTZ, AMANDA  
GERWOODS, and ANDREA RIZOR,

Defendants.

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**ORDER GRANTING APPLICATION TO PROCEED  
IN FORMA PAUPERIS AND DISMISSING COMPLAINT**

Plaintiff, Bernie Sprague, filed a *pro se* complaint on August 4, 2009, along with an application to proceed *in forma pauperis*. The court finds Plaintiff's application to proceed *in forma pauperis* to be facially sufficient and, therefore, grants Plaintiff's motion to proceed without prepayment of fees. See 28 U.S.C. § 1915(a); Gibson v. R.G. Smith Co., 915 F.2d 260, 262 (6<sup>th</sup> Cir. 1990).

Once a court grants a plaintiff permission to proceed *in forma pauperis*, it must review the complaint pursuant to 28 U.S.C. § 1915(e). The court "shall dismiss" the case if the court finds that it is "(i) frivolous or malicious; (ii) fails to state a claim on which relief may be granted; or (iii) seeks monetary relief against a defendant who is immune from such relief." 28 U.S.C. § 1915(e)(2)(B). A complaint is frivolous under § 1915 if it lacks an arguable basis in law or fact. Neitzke v. Williams, 490 U.S. 319, 325 (1989); Wilson v. Yaklich, 148 F.3d 596, 600 (6<sup>th</sup> Cir. 1998) (stating that complaints can be dismissed a frivolous "only when the claim is 'based on an indisputably meritless legal theory,' or where a complaint's 'factual contentions are

clearly baseless’’).

Plaintiff appears to claim that Defendants denied her assistance in obtaining her medications and lost her medical file. The facts set forth by Plaintiff in the complaint do not state a claim upon which the court may grant relief. Construing the complaint liberally, in light of Plaintiff’s *pro se* status, the court finds that Plaintiff has neither articulated a cause of action nor any basis for federal subject matter jurisdiction.

Therefore, IT IS HEREBY ORDERED that Plaintiff’s application to proceed *in forma pauperis* is GRANTED.

IT IS FURTHER ORDERED that Plaintiff’s complaint is DISMISSED.

s/John Corbett O’Meara  
United States District Judge

Date: August 18, 2009

I hereby certify that a copy of the foregoing document was mailed to plaintiff on this date, August 18, 2009, by ordinary mail.

s/William Barkholz  
Case Manager